

July 29, 1999

Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W.
Suite TW-B204F
Washington, D.C. 20554

Re: CC Docket No. 99-200, Numbering Resource Optimization

Dear Ms. Salas:

Enclosed please find one original and four copies of the Connecticut Department of Public Utility Control comments filed in the above noted proceeding.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise Rickard
Acting Executive Secretary

Enc.

cc: Al McCloud

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No.
)	99-200
Connecticut Department of Public Utility Control)	RM No. 9258
Petition for Rulemaking to Amend the Commission's)	
Rule Prohibiting Technology Specific or)	
Service-Specific Area Code Overlays)	
Massachusetts Department of Telecommunications)	NSD File No.
and Energy Petition for Waiver to Implement a)	L-99-17
Technology-Specific Overlay in the)	
508, 617, 781, and 978 Area Codes)	
California Public Utilities Commission and the People)	NSD File No.
Of the State of California Petition for Waiver to)	L-99-36
Implement a Technology-Specific or Service-Specific)	
Area Code)	

COMMENTS OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

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COMMENTS OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

I. INTRODUCTION AND SUMMARY

The Connecticut Department of Public Utility Control (CTDPUC) hereby files comments with the Federal Communications Commission (FCC or Commission) in response to the June 2, 1999 Notice of Proposed Rulemaking (NPRM) issued in the above noted proceeding. CTDPUC submits these comments in response to the NPRM and in support of its March 30, 1998 request to the FCC that the Commission reconsider its August 8, 1996 Second Report and Order and Memorandum Opinion and Order in FCC 96-333, In the Matters of Implementation of the Local Competition Provisions of the Telecommunications

Act of 1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers; Area Code Relief Plan for Dallas and Houston, Ordered by the Public Utility Commission of Texas; Administration of the North American Numbering Plan; and Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois (Second Report and Order), relative to service specific overlays. CTDPUK also concurs with the state outline (State Outline) containing numbering issue conclusions filed in response to the NPRM.¹

In its NPRM, the Commission seeks comments on a variety of administrative and technical measures that would promote more efficient allocation and use of North American Numbering Plan (NANP) resources. NPRM, ¶7. In particular, the Commission seeks comments on issues such as whether numbering resource guidelines should be modified or replaced; measures that would tie the allocation of new numbering resources to a showing of need by the carrier and the possibility of requiring carriers to meet number utilization thresholds before they can obtain additional numbering resources. Id., ¶8. The FCC also requests comments on some specific numbering resource optimization solutions that could be implemented in addition to, or in combination with, stricter administrative standards for the administration and allocation of numbering resources. Additionally, the Commission seeks comments discussing the manner in which number pooling might be implemented and administered, if it were to make carrier participation mandatory at some level. Id., ¶9. Moreover,

¹ This outline represents the efforts of staff members of the following state commissions: California, Connecticut, Maine, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Texas, Washington and Wisconsin. CTDPUK greatly appreciates the efforts of the Maine

the FCC has solicited comments concerning what action the Commission could take to assist states in implementing area code relief in a manner that is consistent with the objectives of this proceeding. Id., ¶12.

In the opinion of CTDPU, the underlying factor contributing to area code exhaust is the inefficient manner in which telephone numbers are assigned to carriers. CTDPU agrees with the Commission that resource optimization efforts are necessary. CTDPU believes that additional state authority to implement conservation measures will provide for greater conservation of telephone numbers and delay consumer disruption and inconvenience that is often associated with the introduction of new NPAs. Therefore, it is in this spirit that CTDPU offers the following comments.

II. DISCUSSION

A. STATE OUTLINE

CTDPU supports and urges the Commission to rely on the NPRM State Outline conclusions presented by the state commissions. Those conclusions are based on the commissions' experience and frustrations in dealing with number shortages and resolving NPA exhaust issues in their respective state jurisdictions. As part of that outline, practical solutions have been offered that would provide state commissions with the ability to address NPA exhaust in a straightforward manner while minimizing the impact that the issuance of additional area codes would have on telephone end users. In the opinion of

Commission staff for preparing this outline. A copy of the State Outline is appended hereto as Attachment 1.

CTDPUC, the State Outline is in the public interest and should be utilized by the Commission when finalizing its Decision in this proceeding.

B. CTDPU C RECOMMENDATIONS

Notwithstanding the above, CTDPU C submits the following comments based on its experience with NPA exhaust issues that the State of Connecticut has encountered since October 1996 and the initiation of Docket No. 96-11-10, DPUC Review of Management of Telephone Numbering Resources in Connecticut.² CTDPU C believes that while the Commission has attempted to provide the states with the ability to address NPA exhaust (i.e., area code relief measures), these efforts do not eliminate those factors that are the basis of the NPA exhaust problem. Additional state authority is necessary and is in fact warranted in order to address the inefficient manner in which telephone numbers are assigned. Therefore, CTDPU C recommends that the FCC provide states with additional authority beyond the ability to grant area code relief as a means of addressing this issue. These recommendations include the ability to implement

² Since October 1996, CTDPU C has been investigating telephone numbering issues and area code relief. CTDPU C's investigation followed the implementation of a geographic split ordered in the March 28, 1995 Decision in Docket No. 94-11-21, Application of the Southern New England Telephone Company to Investigate Alternative Methods for Providing Area Code 203 Relief. Immediately following the permanent implementation of the 860 area code in Connecticut, the Southern New England Telephone Company (SNET), Connecticut's then telephone number administrator, informed the CTDPU C that the State of Connecticut was potentially facing exhaust of the 860 area code. Docket No. 96-11-10 was initiated by CTDPU C to manage, on a generic basis, the assignment of telephone numbers in Connecticut. CTDPU C has been struggling with area code relief for approximately three years. In earlier Decisions in Docket No. 96-11-10, the Department has directed various area code relief measures some successful (i.e., rate center consolidation), some not (i.e., number pooling), as a means of delaying NXX code exhaust and the introduction of new NPAs in Connecticut. CTDPU C also directed that a Connecticut telecommunications industry task force be established to oversee the state's telephone number resources and be responsible for the establishment of the terms and conditions under which NXX codes and telephone numbers would be distributed amongst various service providers. Nevertheless, despite these measures a Jeopardy Situation was declared in Connecticut on April 22, 1998, and with the current reopening of Docket No. 96-11-10, CTDPU C is investigating,

thousand block number pooling; reclaim unused and reserved exchange codes; and audit the use of numbering resources.

1. Thousand Block Number Pooling

CTDPUC believes that states should have the authority to institute mandatory thousand number block pooling. As noted in the State Outline, the states have recommended that the Commission order initial implementation in all rate centers that will be LNP-capable by January 1, 2000 and further implement as switches become LNP-capable. States should also have the option of delaying implementation or requiring that pooling be used in conjunction with other conservation measures if local circumstances so require. CTDPUC agrees with the State Outline in that there is no need to conduct further analysis of pooling because there has already been extensive cost/benefit analyses conducted by the North American Numbering Council (NANC), the North American Numbering Plan Administrator (NANPA) and others. Moreover, CTDPUC disagrees with the Commission's tentative conclusion that thousand block pooling should only be rolled out in the top 100 metropolitan service areas (MSA). Such a limited deployment would hamper conservation efforts in states without large MSAs or with limited geographical areas within the top 100 MSAs. Rather, deployment should coincide with the availability of LNP.

CTDPUC also believes that mandatory pooling would be more effective than the voluntary trials currently permitted by the Commission's Memorandum Opinion and Order, In the Matter of Petition for Declaratory Ruling and Request

among various issues, whether area code relief (either by geographic split or by way of area code overlay) should be implemented in Connecticut.

for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215 and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (Federal Numbering Decision) because during voluntary trials, not all carriers fully participate. A mandatory pooling requirement imposed on all LNP capable carriers would increase the viability of the number pool as it produces more meaningful number conservation. Mandatory pooling is also an efficient means for allocating numbering resources when a carrier wishes to establish a presence in a specific geographic area. Number pooling is a valuable mechanism to remedy the wasteful allocation and inefficient use of numbering resources. Additionally, mandatory pooling would provide the flexibility needed to better manage existing numbering resources, and, therefore, assist in decreasing the frequency with which area codes are required. Accordingly, CTDPUc recommends that additional authority be afforded states so that may implement mandatory thousand number block pooling as necessary.

2. Reclaim Unused and Reserved Exchange Codes

CTDPUC also supports the State Outline conclusions concerning reclamation of numbers and believes that states should be provided the ability to require the reclamation to the area code administrator of unused exchange codes or thousand number blocks from carriers with excess number resources. CTDPUc also concurs with the Commission that reclamation of numbers within 60 days should be permitted so that the recycling of unused numbers would be

encouraged. NPRM, ¶99. In the opinion of CTDPU, the ability to reclaim unused codes would extend the lives of current NPAs by returning to the administrator, codes that could be used by other carriers. Clearly, consumers would benefit from a more efficient distribution of NXX codes than the reclamation of numbers would offer rather than the resulting cost and confusion that the continual introduction of new NPAs would create. Therefore, CTDPU concurs with the State Outline in that NANPA should be more aggressive in reclaiming codes. Specifically NANPA should reclaim a code within 30 days following an established deadline when the carrier fails to provide evidence of extenuating circumstances. Under this timeline, codes could be reclaimed within 60 days.

3. Audit the Use of Numbering

Additionally, states should be provided the authority to audit carrier number assignment and utilization requirements. CTDPU concurs with the Commission that audits serve as a valuable tool as a means of promoting numbering resource optimization. NPRM ¶83. CTDPU also believes that the Commission should direct NANPA to conduct all three proposed types of audits as part of NANPA's numbering administration duties, although states should also have independent authority to conduct their own audits, especially for-cause audits, at any time. Of important note here is the states' ability to participate in any audit as an observer, a consultant, or an active participant. The Commission should also direct NANPA to work cooperatively with the states to ensure that state concerns are taken into account. In for-cause audit situations, states should be consulted both prior to the initiation of the audit and during the audit

itself. Finally, states should be kept apprised of all auditing activities and be given access to the information supplied to the auditors as well as the auditors' findings. State Outline, p. 8. Effective auditing is necessary to ensure compliance with current industry guidelines and to determine that only those applicants with bona fide needs for additional numbering resources receive them. Auditing is also necessary to ensure that numbering resources are being used in an efficient and effective manner.

4. Service Specific Overlays

Lastly, the Commission seeks comments as to whether it should amend its existing guidelines or develop additional guidelines for area code relief. Among those issues that the FCC seeks comments are its concerns whether it should reexamine the Commission's prohibition of service-specific or technology-specific overlays, and whether there may be numbering resource optimization benefits that warrant modifying or lifting this prohibition under some circumstances. NPRM, ¶¶247, 257. CTDPUUC wholeheartedly supports the State Outline concerning this issue. Moreover, since it has been more than 15 months since its petition was filed with the FCC, CTDPUUC believes it is obligated to submit the following comments supporting its March 30, 1998 petition to the Commission.

As noted in its petition, CTDPUUC requested that the FCC revisit its Second Report and Order regarding service specific area codes because of the level of public support for a service-specific overlay, the level of telecommunications competition currently experienced within the wireline

industry, the level of competition experienced within the wireless industry, and the lack of competition experienced between the two industries in Connecticut. CTDPUc recognized the underlying considerations initially discussed by the FCC in previous orders,³ however, CTDPUc continues to believe that such a prohibition should only occur when it has been determined that competition exists between telecommunications industries (i.e., wireline and wireless). Absent competition, application of the FCC's requirements unnecessarily dooms the implementation of a service specific overlay. Since March 1998, the level of competition between the wireline and wireless industries in Connecticut has remained unchanged, nor does it appear that competition between the two industries will exist in the very near future. Indeed, while the ban on service specific area codes may have been intended to prevent alleged discrimination while the wireless industry was in its more formative stages, the wireless industry is now well developed and no longer in need of such protection.

Additionally, while the wireline industry has been required to deploy LNP on a ubiquitous basis CMRS providers are not required, pursuant to a

³ In FCC 95-19, In the Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech – Illinois, Released January 23, 1995 (Ameritech Order), the FCC stated that the presence of any one of the following elements including: (1) exclusion; (2) segregation; or (3) take-back, renders a service specific overlay plan unacceptable and violative of the Communications Act. Additionally, the FCC further clarified the Ameritech Order by prohibiting all service-specific and technology-specific overlays that do not further the federal policy objectives of the North American Numbering Plan (NANP). According to the FCC, they hinder entry into the telecommunications marketplace by failing to make numbering resources available on an efficient, timely basis to telecommunications services providers. Furthermore, the FCC concluded that service-specific overlays would provide particular industry segments and groups of consumers an unfair advantage. Moreover, the FCC has concluded that administration of the NANP should be technology neutral; service specific overlays that deny particular carriers access to numbering resources because of the technology they use to provide their services are not technology neutral. Second Report and Order, ¶305. Relative to the Ameritech Order, the FCC stated that three facets of Ameritech's plan – its exclusion, segregation, and take-back proposals

Commission order, until the year 2002 to fulfill the same requirement. Because of this extension, CMRS providers would be excused from any number pooling requirements that might be imposed on LNP-capable carriers or the wireline industry. Should segregation of LNP-capable and non-LNP capable carriers by area code assignment create a discriminatory impact on users of the overlay code as noted in the NPRM (§260), in the opinion of CTDPUC, such discrimination goes back to the Commission's favorable treatment towards the wireless industry. Moreover, until the Commission's nondiscriminatory treatment is abrogated, the FCC's desired results for competition between wireline and wireless carriers will not materialize. Furthermore, state commissions know first-hand that there is considerable public interest in separate area codes for specific services or technologies. In addition, the wireless industry, in obtaining a deferral of the requirement that it implement LNP, will not be able to participate in number pooling until it has LNP capability. Therefore, since wireless providers are not assigned to separate area codes, they will continue to draw numbers in blocks of 10,000, while carriers participating in pooling will be limited to numbers in blocks of 1,000. Assigning wireless providers to discrete area codes mitigates this problem. CTDPUC believes that the Commission and states can work together in addressing this issue. Specifically, the Commission can establish federal guidelines for implementation of service-specific overlay, and then should delegate to states the authority to implement such area codes, if the states commission believes creating such area codes would serve the public interest.

– would each impose significant competitive disadvantages on the wireless carriers, while giving certain advantages to wireline carriers. Ameritech Order, ¶27.

This delegation of authority would be consistent with states' existing authority to implement area codes splits, overlays, or boundary realignments.

Furthermore, CTDPUc continues to believe that the wireless carriers' recent suggestion to move to "calling party pays" as a pricing option would, if adopted, alert wireline end users to the fact that they may incur a charge when making a call to a cellular number as currently is the case for telephone calls made to 900 service numbers.

At the time CTDPUc initially petitioned the Commission for relief in this matter, it believed that a sufficient period of time for FCC review and approval existed prior to exhaust in the 860 and 203 NPAs that could allow the implementation of a technology-specific overlay, whereby exhaust of these area codes would be extended. Based on the evidentiary record of Docket No. 96-11-10, CTDPUc believes that while Commission approval of a service-specific overlay at this time will do very little to further delay the introduction of new area codes in Connecticut, it continues to seek FCC approval of technology-specific overlays as a means of delaying the exhaust of future area codes. It is for this reason that CTDPUc suggests that service-specific overlays be implemented on a forward going basis.

III. CONCLUSION

Based on its investigation of number resources in Connecticut, it is the opinion of CTDPUc that states require the ability to implement additional conservation measures as a means of slowing telephone number exhaust. While implementing area code relief measures will offer more telephone numbers to the

industry and ultimately the end user, additional state authority is necessary to implement conservation measures such as thousand block number pooling; reclaim unused and reserved exchange codes, audit the use of numbering resources, and order service-specific area code overlays. State authority to implement such measures should provide for greater conservation of telephone numbers and delay consumer disruption and inconvenience that is associated with the introduction of new NPAs.

Respectfully submitted,

CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL

Donald W. Downes
Chairman

Glenn Arthur
Vice-Chairman

Jack R. Goldberg
Commissioner

John W. Betkoski, III
Commissioner

Linda Kelly Arnold
Commissioner

July 29, 1999

Connecticut Department of
Public Utility Control
Ten Franklin Square
New Britain, CT 06051

CERTIFICATION

Miriam L. Theroux
Commissioner of the Superior Court

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

This outline represents the efforts of staff members of the following state commissions: California, Connecticut, Maine, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Texas, Washington and Wisconsin. The staffs of these commissions generally support the positions set forth in this outline, although the conclusions presented on the listed issues should not be construed to be unanimous on all items. This outline is intended to serve as a general guide to state views. Silence by a state commission in its separately filed comments on any particular point set forth in this outline does not connote agreement or disagreement with that point. We greatly appreciate the efforts of the Maine Commission staff for preparing this outline.

Q	¶	State Position
1	31	See specific comments below.
2	32	See specific comments below.
3	33	No specific comments at this time.
4	34	No specific comments at this time.
5 – 6	35	The current voluntary system embodied in the Central Office Code Administration Guidelines (Guidelines) and administered by the Industry Numbering Committee (INC) does not work; carriers routinely disregard the Guidelines without consequence. Thus, States believe that most of the measures discussed in the NPRM should be adopted as mandatory FCC rules applicable to all carriers in all regions of the country. States, however, should be given some flexibility in implementing the rules so that specific local circumstances can be addressed. Enforcement authority must rest with entities that have both the willingness and ability to order carrier action; neither the industry, NANC, nor NANPA has demonstrated an ability to make such decisions. States recommend joint enforcement authority between the FCC, NANPA, and the states. Indeed, because the states are most familiar with local circumstances and local carrier behavior, states will often be in the best position to enforce any rules that are adopted. Under no circumstances should the industry be allowed to supervise itself or self-police on numbering issues.
7	37	No specific comments at this time.
8	38	NANC item – no state comment necessary.

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9 – 11	39 – 40	States agree with the FCC that uniform definitions should be established to ensure fairness for all involved in the process. States also believe that uniform definitions will all for a more accurate analysis of number utilization data as well as accurate code forecasting. States urge the FCC to incorporate the definitions into FCC rules applicable to all carriers.
12	41	The definition of employee/official number should be tightened to specify both appropriate and inappropriate uses.
13	41	States agree with the definition of local routing number.
14	41	The definition of test number should be tightened to specify both appropriate and inappropriate uses.
15	41	States agree with the definition of temporary local directory number.
16	41	States agree with the definition of wireless E911 number.
17	42	The FCC should establish specific ranges for aging time periods and allow states to modify those limits to accommodate local conditions. (The necessary aging period may vary between rural and urban and between different carriers.)
18	43	The definition of assigned number should include specific time limits on “pending” times.
19	44	No specific comments at this time.
20	45	Both carriers should treat a ported out number as unassignable. The porting out carrier should include the ported number in its overall utilization data. The ported to carrier should report the ported number in special category for ported numbers so that the ported number is not double-counted.
21 – 22	46 – 48	States agree that the definition of reserved numbers is an important issue and that the definition must be narrowly drafted.
22	48	We offer the following definition: a reserved number is a number or a block of numbers which: (1) is being requested (to be reserved) by a service provider (SP) for future use by a business or a residential customer; (2) is not currently assigned; (3) is not currently aging; and (4) resides within a block of numbers. Once reserved, a number must be assigned within 45 days. If the number is not assigned within 45 days, the number(s) will be reclaimed. In order to extend the time for holding a number in reserve, the applicant must show that the date for proposed implementation will be missed due to extenuating circumstances (hardware/software, regulatory delays). The applicant must make a written request for a specific amount of time of less than 30 days.

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		To reserve a block or NXX, the block applicant must demonstrate that the block is essential to accommodate technical, (e.g. switch, network element) or planning constraints or pending regulatory approval of a tariff and/or certification/registration/interconnection. In addition, the applicant must: (1) provide a proposed use date; (2) have received regulatory approval or document that it is in the process of requesting/will be receiving approval to serve a particular market (thereby identifying a particular central office). Blocks should not be reserved to accommodate vanity numbers because this practice lends itself to hoarding and delaying competitive entry. If a reserved block is not assigned within 45 days, the block should be released and returned for pooling purposes.
23	49	States agree that specific time limits should be established for reserved numbers, reserved blocks, and reserved codes and that 45 days may be an appropriate period of time.
24	49	While States understand the rationale behind requiring a fee, we are concerned that requiring a fee from carriers may impede new entrants. In addition, states are concerned that carriers would pass those fees on to all of their customers, including residential consumers.
25	50	No specific comments at this time.
26	51	States agree with the definition of numbers available for assignment so long as it incorporates states' recommendations on other definitions.
27	52	States believe that the definition of numbers unavailable for assignment should be narrowed to exclude reserved numbers, which should be reported in a separate category.
28	53	States do not believe that a definition of working telephone number is necessary because those numbers are subsumed in other categories.
29	58	In order to obtain an initial code in a given rate center, the carrier must: (1) show that it has a valid interconnection agreement (or will have one within 6 months); (2) show that it has state certification for the rate center (either through a state-wide, region-wide, or rate center-wide certificate); and (3) show that it will have facilities in the rate center within 6 months. Proof of the facilities requirement might include a copy of an order for equipment, a contract for UNEs, or other documents. In addition, the carrier must provide the state with a description of its business plan (with appropriate proprietary protections in place).
30	59	Carriers should provide the documentary evidence described in the Response to Question No. 29 with their application and should be required to file the application with both NANPA and the state, if requested by the state. NANPA should be obligated to review the application closely and follow-up

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		on any missing or questionable information. States should then have the option to be included in the process or not. (Some states may not have the resources to review all applications and will need to rely upon NANPA to enforce the application requirements. Other states may want to have the final authority as to whether the codes should be awarded or not. These states might want NANPA to forward them a recommendation but allow States to make the final decision.) Whether these additional requirements will slow the process down depends upon the extent to which carriers comply with the requirements. If all the necessary information is included in the application and carriers only apply when they are truly ready to proceed, the process should not be slowed down.
31	59	See Responses to Questions Nos. 22, 23, 29, and 30.
32 – 33	60	States agree that the FCC should require carriers to present data proving a need for additional numbers before growth codes can be assigned and that NANPA should be prohibited from assigning codes until a showing of need has been made. States suggest that a process similar to that described in the Response to Question No. 30 above be adopted so that states have the option to participate in the process and/or have final approval.
34	61	The current Months to Exhaust worksheet is not sufficient because there is no objective evidence upon which to evaluate the information contained in the worksheet. Carriers should be required to supply line growth data. If this does not support their need for additional resources, carriers may be allowed to present other evidence such as the fact that they will be instituting a new promotion that has generated a large increase in business in other jurisdictions and that they will exceed their resources before they will have time to order additional resources. States also suggest that the Months to Exhaust worksheet include a certification by a high-ranking official or lawyer that the information provided is accurate and that the need is <i>bona fide</i> . The FCC may want to consider including a penalty provision for those circumstances where the certification is found to be false or misleading.
35	61	NANPA should perform the initial evaluation of the worksheet and then allow States to participate if they choose. See Responses to Questions Nos. 30 and 33.
36	61	See Response to Question No. 34.
37 – 42	62 – 63	States agree that a percentage fill rate should be established as a threshold requirement for obtaining additional numbers. States urge the FCC to apply any new utilization standard to <u>all</u> areas of the country; rural areas should have the same utilization standard as urban areas. There is a

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		<p>cumulative benefit from NPA-wide efficient utilization; codes saved in rural areas can be used in urban areas and thus the entire NANP benefits. In addition, if the FCC distinguishes between rural and urban areas, the carriers will likely develop a method to circumvent the system.</p> <p>States recommend an 80-85% fill rate in a particular rate center before an additional code or block may be requested; this should provide carriers with sufficient time to request and obtain additional resources before their current resources exhaust. To the extent that the FCC later determines that a higher threshold is feasible, States would likely support raising the threshold. States urge the FCC not to set the initial threshold too low.</p> <p>Carriers will need to be strongly encouraged to immediately improve their number utilization; a low initial threshold will only allow the carriers to continue their current inefficient practices.</p> <p>The FCC should not set different utilization rates for different segments of the industry. While some carrier-specific variations might be necessary to account for unusual growth, competitive neutrality requires that the FCC not discriminate between industry segments. Thus, states recommend that they (or NANPA is requested by the state) be given the flexibility to adjust the threshold upward or downward depending upon the rate of growth for the specific rate center, carrier, or promotion.</p>
43 – 44	64	States agree with the FCC's proposed calculation of utilization rates, including the FCC's recommendation that reserved, dealer pool, and resellers' numbers be excluded from the numerator.
45 – 47	65	<p>States believe that newly acquired codes must be included in calculating a carrier's utilization rate. If utilization rates will be used as a threshold criterion for obtaining additional resources, it is important to include all carrier resources within a particular rate center when calculating the utilization rate for that rate center. Indeed, it is essential to include new resources; otherwise carriers could acquire additional resources when they have not yet efficiently utilized their current resources within the specific rate center. However, to the extent that NPA-wide carrier utilization rates are used to determine whether assignment of an initial code in a rate center is appropriate, it may be appropriate to exclude numbers acquired within the previous 90 days.</p> <p>With regard to wireless carrier issues, all carriers should be able to accurately forecast their</p>

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		numbering needs and use that information to acquire resources on an as-needed basis and not on a stockpiling basis. If wireless carriers accurately forecast their needs and provide the proper support for their code requests, there is no need to exclude newly acquired numbers from their utilization rate
48 – 49	66 – 67	States believe that it is essential to have rate center specific utilization rates. NPA or statewide rates will not provide the necessary specificity of information for the FCC, states, and/or NANPA to make informed decisions regarding carrier applications for growth codes. Indeed, the existence of so-called “mixed” NPAs necessitates the calculation of utilization rates on a rate center basis. It is not necessary to design elaborate schemes for taking into account regional issues; requiring the carriers to submit rate center based data will provide all interested parties with the underlying data needed to analyze NPA-wide, state-wide, region-wide, and NANP-wide issues.
51	68	States urge the FCC to apply the same utilization rates to all segments of the industry. It is important that all carriers use their numbering resources efficiently. Much of the crisis we are currently experiencing has been caused by a large number of carriers with a relatively small presence within an NPA using their resources inefficiently. The cumulative impact of 10 small inefficient carriers can be more significant than the impact of one large inefficient carrier.
52	69	States agree that the accuracy of number forecasting and reporting needs to be increased.
53	72	States agree that the current COCUS mechanism is unreliable, especially because: (1) carriers are not required to submit their forecasts; and (2) there is no penalty for requesting/obtaining resources in excess of a carrier’s forecast.
54 – 57	73	States agree that forecast and utilization reporting must be mandatory and that a more detailed and uniform reporting mechanism must be developed. While states agree that NANPA should serve as a single point of collection nation-wide, states must: (1) have the flexibility to require additional information from carriers; and (2) be allowed to review all data collected at the national/federal level.
58	74	Carriers should report data in the categories identified earlier in the NPRM. The FCC should not allow carriers to aggregate data. The FCC, NANPA, and the states will be able to do better analyses with more granular data. Once the carriers establish their reporting system, continued regular reporting should not be burdensome.
59	75	States agree that any utilization reporting will be in addition to forecasting requirements and suggest that carriers be required to submit forecast data on a rate center basis and specifically identify the

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		rate centers for which they anticipate requesting codes.
61 – 64	76	<u>The FCC should not adopt an urban/rural dichotomy on this issue.</u> Carriers should report data on a thousand block level by rate center in all areas of the country, even if they are not LNP-capable and even if thousand block pooling is not yet available. Prior to the implementation of thousand block pooling, it will be necessary for carriers to preserve uncontaminated thousand blocks. Having data utilization and forecasting data on a thousand block level will enable NANPA and/or state regulators to monitor carrier compliance with preservation protocols. While the states are unable to offer specific cost estimates at this time, at least one state already requires this type of reporting and has not received any complaints relating to cost.
65 – 67	77	States agree that carriers should be required to submit both utilization and forecasting data on a quarterly basis and that uniform reporting requirements should apply across all segments of the industry. However, to the extent that a state or NANPA (after consultation with a state) determines that specific circumstances warrant more (or less) frequent reporting, states and NANPA should be free to order specific carriers or segments of the industry to report on a different schedule.
68 – 70	78	<p>To the extent that the FCC determines that individual carrier data is proprietary, the FCC should protect that data and require that states and NANPA afford the same protections. This will allow the states, NANPA, and the FCC to freely exchange data, an essential element in coordinated state and federal efforts.</p> <p>Indeed, States <u>must</u> have access to all data submitted by carriers, not just aggregated data. Carriers have submitted confidential information to state commissions on other sensitive issues; there is no reason to preclude state review of the detailed numbering information as long as states provide the same level of protection provided by NANPA and the FCC</p>
71 – 72	79	States urge the FCC to adopt uniform reporting requirements for all carriers but to delegate to the states the authority to deviate from those requirements if local circumstances warrant.
73	80	No specific comments on Thousand Block Pooling guidelines at this time. States agree that data should be collected at the thousand block level on a rate center basis and support the FCC's proposal to require quarterly reporting, which should eliminate the problem of defining when a carriers forecast has "significantly changed." States urge the FCC to apply these types of requirements to all carriers in all areas. In addition, all reporting requirements must be made

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		mandatory; states strongly object to voluntary reporting.
74	81	States support the underlying concepts of the LINUS proposal, especially the idea that collection of data would increase as an NPA neared jeopardy, as well as the mandatory nature of the reporting requirements. States question whether there is a need to have different requirements for the top 100 MSAs and other areas.
75	82	States do not support the adoption of AT&T's proposal because it does not require frequent reporting. States do, however, support AT&T's idea of separating out forecasting data to show growth codes, initial codes for new entrants, and initial codes for new switches.
76	83	States agree that a comprehensive audit program is necessary to ensure carrier compliance with the new rules and regulations.
77	84	States support the use of all three types of audits identified by the FCC.
78 – 79	85	States agree that for cause audits should be available to the FCC, NANPA, and states and that carriers subject to for cause audits will likely require follow-up audits to ensure continued compliance with the rules and regulations.
80	86	States support a three year schedule for regular audits as long as the standard for initiating a for cause audit is not too high and the FCC requires submission of number utilization data on at least a semiannual basis.
81	87	States agree that random audits would be an effective tool in keeping carriers "honest," especially once an NPA has been declared in need of relief rather than just during the jeopardy phase. States should also be given the authority to order random audits if local circumstances suggest a widespread problem with number utilization reporting.
82 – 84	88	States believe that the FCC should direct NANPA to conduct all three proposed types of audits as part of NANPA's numbering administration duties, although states should also have independent authority to conduct their own audits, especially for-cause audits, at any time. States should be allowed to participate in any audit as an observer, a consultant, or an active participant. The FCC should direct NANPA to work cooperatively with the states to ensure that state concerns are taken into account. In for-cause audit situations, states should be consulted both prior to the initiation of the audit and during the audit itself. Finally, states should be kept apprised of all auditing activities and be given access to the information supplied to the auditors as well as the auditors' findings.
85	89	States agree with the breadth of the audits suggested by the FCC.

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86	89	No specific comments at this time.
87	90	NANC ITEM – no comments necessary.
88	90	See Response to Question Nos. 82-84.
89	91	<p>States urge the FCC to tightly enforce the rules and regulations it adopts through this NPRM. Enforcement must be uniformly strong, with minimal exceptions, so that carriers will have an incentive to comply. The FCC's goal should be to set up a system where it is a competitive advantage, not disadvantage, to conserve numbering resources.</p> <p>States agree that NANPA, the FCC, and state commissions all have a role to play in enforcement. States urge the FCC to adopt specific, mandatory requirements and then delegate the enforcement of those requirements to NANPA and state commissions. States should be allowed to determine how involved in enforcement action they want to be. To the extent states want to be very involved, NANPA should be required to work with individual states to set up the appropriate processes to ensure a cooperative and effective working relationship. To the extent that a state does not have the resources to be involved in daily activities but wishes to be kept informed or to be consulted, NANPA should be required to work with that state and establish the appropriate procedures.</p> <p>States agree that NANPA should be able to withhold codes for violations of rules, regulations, or guidelines. States also agree that NANPA should withhold future numbers based on current violations when there are no pending requests for that carrier. During the transition from the voluntary, industry-controlled number administration, carriers must be strongly encouraged to follow the new rules. The only way to ensure compliance is to have strong penalties for violation. Monetary fines, while helpful, may not deter carriers who determine that the cost of the fine is worth the violation. Withholding of numbers would likely be the most effective method and would provide the carriers with a competitive incentive to conserve resources.</p>
93	93	States must have enforcement authority to ensure that carriers do not hide behind "national" policies to perpetrate practices which negatively impact local numbering administration. State enforcement should not raise any concerns; most carriers have been subject to state jurisdiction for years and all states are trying to promote the development of competition. States need to ensure carrier attention to specific numbering issues in their jurisdiction. With regard to the states' role <i>vis a vis</i> the FCC,

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		states would like to establish a cooperative relationship. Given current staffing at the FCC, states should be given primary responsibility (in conjunction with NANPA) for enforcement and the FCC should act as an “appeals court” and coordinator when carriers-specific issues cross state lines.
94	94	States agree that fines, forfeitures, and certification revocation should be available as enforcement mechanisms. The standard for revocation of certification should be based on a combination of objective criteria (such as the number of violations, the number of codes/numbers involved) and subjective criteria (such as the impact of the violations on the state or NPA, whether the violation was intentional, willful, or negligent).
95 – 96	98	States agree that the definition of “in service” should be revised to mean when the carrier actually starts assigning numbers but also agree that carriers might abuse such a standard. States suggest that perhaps a standard requiring that numbers be assigned to “real” customer before a code can be deemed to be in service (no company lines, no reserved numbers, no employee numbers etc.).
97, 100	99	States agree that NANPA should be more aggressive in reclaiming codes and recommend that the reclamation process become part of the FCC’s rules. States specifically recommend that NANPA begin the process by contacting the carrier 15 days after deadline. If the carrier fails to provide evidence of extenuating circumstances within 30 days, the code is reclaimed. Using this timeline, the code reclamation process would be completed within 60 days rather than begin 60 days after the deadline.
98 – 99	99	States agree that the time for reserving a code should be limited to 3 months and that any extension time be firm and limited to 30 days. Carriers have abused the reservation process and caused many unnecessary new NPAs. So long as NANPA moves swiftly in the number assignment process, there should be no detriment to carriers.
101	100	States support the FCC’s decision to delegate additional authority to state commissions to order reclamation and urge the FCC to broaden the circumstances under which NANPA and/or states may initiate reclamation proceedings.
102	101	See Response to Question No. 99. States agree that NANPA should send disputes to the states rather than INC. INC takes too long, has a conflict of interest, and has been totally ineffective to date. States should be free to use their current processes to adjudicate any disputes referred by NANPA.
103	102	No specific comments at this time.

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104	102	Clearly, the benefits of moving to a more efficient numbering system far outweigh the societal costs of the current inefficient system that unnecessarily imposes the costs of new area codes on both residential and business customers. None of the administrative measures proposed by the FCC should generate significant costs for the carriers.
105	103	States agree that costs should be recovered according to the current NANP formula.
106	104	States agree that the costs associated with the proposed administrative measures should be borne by all carriers and agree with the FCC's tentative conclusions and legal analysis.
108	106	No specific comments at this time.
109	116	States agree that rate center consolidation should be encouraged but strongly object to the FCC conditioning the availability of other, more effective number conservation measures to the completion of rate center consolidation. The FCC must recognize that this solution may not work well in all states and that it is usually a very lengthy process. Rate center consolidation often raises very complex regulatory issues, such as rate rebalancing, which cannot be resolved quickly, easily, or cheaply. While states can be encouraged to evaluate the costs and benefits of rate center consolidation, they should not be precluded from moving forward on other conservation measures at the same time.
110	118	States should be given the authority to order the return of unused numbers after consolidation has occurred. No specific comments on the other issues raised in this paragraph at this time.
113	119	States agree that rate center consolidation by itself will not solve the underlying problems with the numbering system.
114	120	States believe that the idea of distinguishing the rating from the routing function of NXXs should be further explored because it could have a significant impact on the need for codes.
115	120	States strongly urge the FCC not to condition the availability of pooling upon rate center consolidation. States believe that pooling and consolidation can be implemented at the same time – the pool can be expanded as the rate center expands. Further, rate center consolidation raises a long list of complex issues that may require a considerable amount of time to resolve. States should not be precluded from moving forward on pooling while these complex issues are resolved.
117	121	No specific comments at this time.
118	125	No specific comments at this time.
119	126	The FCC should not adopt nationwide 10-digit dialing. Dialing patterns are a matter of local

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		jurisdiction, not federal jurisdiction, and states must maintain the flexibility necessary to respond to local needs and preferences.
120	127	No specific comments at this time.
121	129	States discourage the FCC from moving forward on this issue at this time. Given the potential problems associated with implementing D digit dialing and the minimal resources saved from its implementation, states believe the FCC should defer further exploration of this issue until thousand block pooling has been implemented.
122 – 123	138	States agree that the FCC should adopt thousand block pooling but strongly disagree with the FCC's proposal that the implementation be limited to the major markets. The FCC should order initial implementation in all rate centers that will be LNP-capable by January 1, 2000 and then rolling implementation as switches become LNP-capable. States, however, should have the option of delaying implementation or requiring that pooling be used in conjunction with other conservation measures if local circumstances so require. There is no need to conduct further analysis of pooling; there have already been extensive cost/benefit analyses conducted by NANC, NANPA and others.
124	141	States believe that the FCC should move forward as soon as possible on thousand block pooling but that it should not abandon ITN or UNP. Both ITN and UNP allow for exponentially more efficient use of NANP resources. While states acknowledge that resource limitations may require a prioritization of conservation measures, we believe that many of the technological changes necessary for ITN will be put in place during the implementation of thousand block pooling and thus it may not take as long as the industry expects to implement ITN once thousand block pooling is in place. In addition, UNP is feasible today and states should be allowed to order its use on an <i>ad hoc</i> basis to augment other conservation measures.
125 – 126	142	The FCC should give states the authority to determine when and where UNP is appropriate and the authority to order carriers to participate in state-sponsored UNP programs. In many rural areas, UNP can be a very effective conservation measure. It also encourages carriers to work cooperatively with one another on numbering issues.
127	144	States strongly disagree with the FCC's tentative conclusion that thousand block pooling should only be rolled out in the top 100 MSAs. Such a limited deployment will severely hamper conservation efforts in states without large MSAs or with limited geographical areas within the top 100 MSAs. Deployment should coincide with the availability of LNP. (As an example, Maine has no large MSAs)

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		yet will be LNP-capable by August 1999. Maine should be allowed to participate in thousand block pooling.)
128 – 131	145	If the FCC has the authority to order implementation of LNP for thousand block pooling purposes, there is no need to create a higher standard for switches that are not currently LNP-capable. The practical effect will be that current non-LNP switches will not be ready for thousand block pooling as early as LNP-capable switches. There is no need to add any further delay or administrative proceedings to the process. No specific comments on the other issues raised in this paragraph at this time.
132	146	State commissions should be given the authority to determine when and where to implement pooling within their states.
133	147	States agree with the concept that states should be able to opt in or out of thousand block pooling and that if they choose to give up the right to make that decision, another entity, such as NANPA or the FCC can make the decision.
135	148	States urge that any criteria established include sufficient flexibility for states to respond to local circumstances as quickly as possible. As the FCC aptly notes, any cost/benefit analysis will be based partially upon a subjective analysis of the particular circumstances. Thus, states support the establishment of general criteria but urge the FCC to delegate the final decision regarding pooling to the states.
136	149	The FCC should not establish thresholds for the number of participants in pooling. By waiting to impose thousand block pooling until a critical mass is reached, the FCC will be encouraging the inefficient use of numbers by carriers until the time arrives and/or discouraging carriers from becoming LNP-capable. While some efficiencies may be gained if carriers are required to conserve uncontaminated thousand blocks, waiting may cause irreparable harm in some areas. For example, in Maine where there are a small number of CLECs, it might not meet the threshold for several years. In the meantime, Maine will be forced to implement a second area code, which would be unnecessary if thousand block pooling was available in all LNP-capable rate centers.
137	150	The FCC must be careful not to unduly limit the applicability of thousand block pooling. Even if pooling will not save the current code, it should be put into place to conserve the new code. In the few areas where there is not yet a numbering crisis, thousand block pooling may enable those areas to avoid the crisis altogether. In addition, the relationship between the number of remaining codes

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		and the potential effectiveness of thousand block pooling will vary from state to state and NPA to NPA. By requiring such an analysis, the FCC will only further complicate the matter and delay implementation.
138	151	Rate center consolidation should not be a pre-condition of implementing thousand block pooling. The FCC should recognize that the effectiveness and efficiencies of rate center consolidation will vary widely among the states and that it may cause significant rate increases for customers. Some states, like Texas, have large local exchanges with multiple rate centers. In these states, rate center consolidation is administratively and financially less difficult. On the other hand, in states like Maine, because of the high cost of providing local service there a large number of single exchange rate centers and rate center consolidation will require a major overhaul of the toll/local dichotomy and universal service scheme. In these states, rate center consolidation is not immediately helpful or efficient. States should not be precluded from participating in pooling if they have not been able to complete rate center consolidation.
139	152	The FCC should not require detailed studies of the effectiveness of pooling. The analyses that have already been conducted by NANPA, NANC, and INC and the practical experience in Illinois and New York provide ample evidence of the benefits of thousand block pooling while NANPA's NANP Exhaust Study clearly documents the costs associated with failing to implement thousand block pooling.
140	153	No specific comments at this time.
141 – 144	154	States should be given the choice of opting in or out of a nationwide pooling mechanism on a rate center by rate center basis. The initial deployment should include all LNP-capable switches in states which have chosen to opt into the nationwide mechanism; the FCC should not stagger the implementation schedule. Immediate implementation is necessary to avoid irreparable harm.
145	158	No specific comments at this time.
146	161	States agree that once covered CMRS carriers are LNP-capable they should be ordered to participate in thousand block pooling.
147 – 148	165	States agree with NANPA and previous statements by state regulators that CMRS participation in pooling would significantly improve the effectiveness of thousand block pooling. While CMRS carriers claim to be the most efficient utilizers of numbers, some states have data which would dispute their assertion and confirm NANPA's assertion that CMRS participation would significantly

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		extend the life of the NANP.
149	165	NANC item – no comment necessary.
150	165	No specific comments at this time.
151 – 152	166	States strongly disagree with limiting the extension of wireless pooling to top 100 MSAs; coverage should include all carriers in all LNP-capable rate centers. No specific comments on the cost issue at this time.
153 – 154	167	CMRS carriers should participate in the process of creating the pooling architecture based upon the assumption that they will be participating at some point. States agree that if work is begun immediately on implementing pooling for wireline carriers and wireless carriers begin now to plan for their participation, CMRS providers will benefit and their implementation period should be shorter. No specific comments on the timeframe issue at this time.
155	168	States believe that the FCC should accelerate the LNP schedule for CMRS providers so that they can participate in pooling. In many areas, wireless carriers consume large blocks of numbers, often in a very inefficient manner. In additional, wireless carriers often enjoy minimal regulation by state commissions and thus have unfettered access to numbers. Wireless carriers should be required to conserve numbers like all other carriers.
156	170	The states believe that all LNP-capable carriers in LNP-capable rate centers should presumptively be required to participate in pooling if required by their state commission.
157	171	No specific comments at this time.
158	173	See Response to Question No. 156.
159	174	States support continued exploration of the feasibility of conservation measures for non-LNP capable carriers, especially those states which have a large number of small rural LECs which may not become LNP-capable in the near future. Each of the programs described in Paragraph 174 should be investigated.
160	176	States agree that it will be important to set up an allocation method that does not unfairly discriminate between LNP-capable and non-LNP-capable carriers.
161	178	No specific comments at this time.
162	178	No specific comments at this time.
163	181	No specific comments at this time.
164	182	States recommend that the FCC adopt specific rules for thousand block pooling. The current Central

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		Office Code Administration Guidelines have been ineffective in the competitive market place. Mandatory rules must be put into place if there is to be any hope of positively impacting the current crisis.
165 – 169	183 – 186	States recommend that NANPA be appointed as the thousand block pooling administrator. States believe that there will be substantial efficiencies gained by having the same entity allocating all numbers. In addition, NANPA already has experience in serving as the pooling administrator in both Illinois and New York. Bringing in a new entity will only serve to slow the process down by requiring training of new personnel and the coordination of the new entity's duties with NANPA's duties. States recommend, however, that the FCC (not NANC) enter into a separate contract with NANPA which specifically delineates NANPA's pooling duties and obligations.
170	188	States believe that an initial contamination level of 10% should be set and that states should be given the flexibility of increasing that threshold depending upon the particular circumstances in their state or the particular utilization patterns of a carrier.
171 – 172	189	States believe that the same initial threshold should be set for all segments of the industry. No specific comments on the network capacity and SCP implications at this time.
173 – 178	190 – 191	States urge the FCC to immediately adopt sequential numbering requirements for all carriers in all areas of the country. Every effort should be made to protect uncontaminated blocks from contamination during the transition to thousand block pooling. Eventually pooling will cover all NPAs and rate centers and thus all NPAs and rate centers will eventually benefit from immediate implementation of sequential numbering. States, however, should be delegated authority to allow exceptions to the requirement upon a showing of special circumstances. Finally, while sequential numbering may have a larger impact on wireline carriers who serve large customers with very specific yet diverse needs, the potential savings of numbers outweigh the potential burdens.
179	192	The states recommend a six-month inventory of numbers as is currently required under the Guidelines for jeopardy situations.
180 – 212	193 – 212	No specific comments at this time.
214	213	The states believe that we will eventually need to move from thousand block pooling to ITN pooling

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		and that we should build our thousand block system in a manner that will allow for an easier transition to ITN. However, to the extent that building such a system will substantially delay the implementation of thousand block pooling, it may be necessary to forgo certain long-term benefits in order to ensure that thousand block pooling is implemented as soon as possible.
215	214	The states believe that UNP and thousand block pooling can be used simultaneously. Carriers utilizing this method should be careful not to unnecessarily contaminate thousand blocks that can be used for pooling.
216	214	Yes, carriers should be allowed to port number by mutual agreement in all areas where thousand block pooling has not been implemented.
217 – 231	216 – 224	<p>States strongly object to allowing carriers to choose their own methods of conservation as long as they meet a utilization threshold. Adoption of the approach is tantamount to continuing the current scheme and will lead to a worsening of the numbering crisis, the premature exhaust of the NANP, and public outcry over the wasting of public resources. The industry has consistently argued against state authority over numbering issues on the grounds that there should be a uniform national system, despite the fact that states have taken very consistent positions on how they would handle numbering issues. If the FCC adopts the pick and choose approach, there will be no national uniformity, no increased efficiencies, and no delay in the exhaust date of the NANP.</p> <p>In addition, individual carrier decisions will undermine any positive impacts of other carrier decisions. Since the FCC issued its Order in the Pennsylvania case last September, many carriers have become increasingly uncooperative on numbering issues and have refused to voluntarily participate in thousand block pooling. If carriers are given the freedom to choose their own conservation measures, this lack of cooperation will only worsen. Without mandatory participation by all eligible carriers, the effectiveness of pooling will be significantly impaired. If carriers with large amounts of spare numbers choose not to participate in pooling, the pooling administrator will be forced to request additional resources which will result in the inefficient allocation of resources. If carriers who need only a few resources in a given rate center choose not to pool, they will be awarded their own code and will squander scarce numbering resources.</p> <p>A pick and choose scheme will be impossible to administer – the FCC’s own requests for comments</p>

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		<p>reflect the impossibility of designing an effective scheme. States will be held hostage to the whims, business plans, and competitive agendas of individual carriers; states will be powerless to develop a comprehensive, competitively neutral, and effective conservation plan.</p> <p>It will be next to impossible to enforce a pick and choose scheme unless the FCC is willing to put carriers out of business for not meeting their utilization rates. Financial penalties will not be effective unless they are drastic – otherwise carriers will do a cost/benefit analysis and decide that it is worth violating the rules to have a stockpile of numbering resources.</p> <p>A pick and choose approach will also unnecessarily complicate cost recovery issues. The industry and the FCC will waste valuable time and resources trying to work out a solution to a problem which should not have been created in the first place.</p>
232	228	While the states commend the FCC for its long-range thinking on this matter, the states encourage the FCC to defer further exploration of this issue until it has resolved the issues relating to the implementation of thousand block pooling and number utilization data reporting requirements. The current numbering crisis requires immediate action by the FCC on issues relating to conservation measures capable of having an appreciable effect on the crisis in the near future.
233	229	No specific comments at this time.
234	229	States agree that numbering resources are a public resource and that they should not be turned into a private commodity. A licensing regime might be a feasible alternative if the FCC determines to institute a pricing mechanism.
235	229	Charges for numbers should be monthly so as not to unnecessarily burden new entrants.
236	229	The FCC should adopt some type of mechanism to discourage carriers from acquiring excess resources. The problem in designing the pricing mechanism is that the charge will have to be very high to prevent carriers from hoarding yet the same high prices may discourage competitive entry.
237	230	See Responses to Questions Nos. 235 and 236.
238	231	See Response to Question No. 236. To the extent that competitive neutrality is a concern, some type of regulatory intervention may be necessary, yet this intervention may upset the market forces and cause uneconomic pricing.
239 —	232 —	No specific comments at this time.

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249	236	
250	237	The funds generated should be used to fund the costs of continually updating the network to allow for increasingly efficient ways of allocating numbering resources.
251	238	States support the gradual introduction of a priced-based system. States, however, urge the FCC to put this issue aside until it has substantially resolved issues relating to thousand block pooling and data reporting.
252	239	States suggest that the FCC issue a follow-up NPRM on this issue next year.
253	239	No specific comments at this time.
254	239	No specific comments at this time.
255	240	No specific comments at this time.
256	247 – 249	States support revisiting the prohibition on service-specific overlays. Indeed, states support reversing the FCC's current prohibition and allowing states to implement service and/or technology specific overlays. Many of the circumstances underlying the FCC's concerns regarding the potential anti-competitive effects of such overlays have changed over the past few years.
257	252	No specific comments at this time.
258	252	States believe that dialing patterns fall under state jurisdiction and that states should have the flexibility to address specific local concerns and issues.
259	252	In circumstances where rationing has been used prior to the implementation of the new area code, it is necessary to continue rationing for some period of time to ensure that pent up demand/fear of scarcity does not result in the immediate exhaustion of the new code. Implementation of needs-based requirements for obtaining codes should alleviate some of the problem but likely not all of it.
260	252	No specific comments at this time.
261	253	No specific comments at this time.
262	254	No specific comments at this time.
263	255	No specific comments at this time.
264	255	No specific comments at this time.
265 – 266	257	Clearly, if "calling party pays" were adopted, a service specific overlay would be a good way to notify customers that they are calling a wireless number.
267	258	States know first-hand that there is considerable public interest in separate area codes for specific

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– 270	– 260	services or technologies. In addition, the wireless industry, in obtaining a deferral of the requirement that it implement LNP, will not be able to participate in number pooling until it has LNP capability. Thus, if wireless providers are not assigned to separate area codes, they will continue to draw numbers in blocks of 10,000, while carriers participating in pooling will be limited to numbers in blocks of 1,000. Assigning wireless providers to discrete area codes mitigates this problem.
271 – 272	261	The FCC should establish federal guidelines for implementation of service-specific or technology-specific area codes, but then should delegate to states the authority to implement such area codes, if the states commission believes creating such area codes would serve the public interest. This delegation of authority would be consistent with states' existing authority to implement area codes splits, overlays, or boundary realignments.